

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IZET BECIREVIC

Plaintiff,

VS.

NAVIENT,

Defendant,

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CASE NO: 4:18-CV-00363

**PLAINTIFF'S IZET BECIREVIC RESPONSE TO
DEFENDANT NAVIENT MOTION FOR RULE 11 SANCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now Izet Becirevic ("Plaintiff") appearing pro se and files this Response to Defendant Navient Motion for Rule 11 Sanctions (**D.E # 38**) as follows:

I. INTRODUCTION

Plaintiff Izet Becirevic filed this action on May 16, 2018. Plaintiff in his complaint alleged that Defendant Navient breach forbearance agreement and willfully engage in false misrepresentation in connection with servicing Plaintiff's student loans. (**D.E.#1**).

On December 10, 2018, Defendant attorney Ms. Haley Anderson sent an email to Plaintiff advising that Defendant is filing Motion for Rule 11 Sanction if Plaintiff did not dismiss all his complaints with prejudice. A true and correct copy of the foregoing email is attached hereto as "**Exhibit 1**" and incorporated herein as if fully set forth.

On December 10, 2018, Plaintiff acknowledge Ms. Anderson e mail and declined Defendant request to dismiss claim with prejudice. A true and correct copy of the foregoing email is attached hereto as "**Exhibit 2**" and incorporated herein as if fully set forth.

On December 20, 2018 Plaintiff sent an email to Mr. Adam Ragan to confirm did he oppose or not oppose Plaintiff Motion to Compel. Plaintiff also discuss Defendant Motion for Sanction with Mr. Ragan, in part, as follows:

Mr. Ragan and Ms. Anderson you both intentionally accused me of fraud and documents fabrication to try to gain advantage in proceedings or use for purpose to dismiss my claim. Your client documents number NSL000037, shows that your client created and fabricated forbearance forms dated from 9/12/16 to 09/11/2017. This forbearance form was fabricated and created by your client on 10/05/2016 (see NSL000037)

A true and correct copy of the foregoing email and defendant correspondence copy marked as "NSL000037" is attached hereto as "**Exhibit 3**" and incorporated herein as if fully set forth.

On December 20, 2018, Mr. Ragan replied to Plaintiff email, in part, as follow:

I do not understand what you mean when you assert that Navient " created and fabricated forbearance form dated from 09/12/2016 to 09/11/2017," Please explain, Are you saying Navient fabricated its own documents?

A true and correct copy of the foregoing email and is attached hereto as "**Exhibit 4**" and incorporated herein as if fully set forth.

On December 20, 2018, Plaintiff replied to Mr. Ragan email, as parts, as follows:

Yes, that's correct. You accused me that I fabricated forbearance dated on April 02, 2017. Today I show you the evidence that Mr. Cannon statement in Declaration was false and that documents was created by Navient and show the exact date when form was created by Navient.

A true and correct copy of the foregoing email, a copy of defendant correspondence documents, and copy of Mr. Carl Cannon Declarations is attached hereto as "**Exhibit 5**" and incorporated herein as if fully set forth.

On January 15, 2019 Defendant Navient files its Motion for Rule 11 Sanction (**D.E #38**). In its Motion Defendant attorney Mr. Adam Ragan accused Plaintiff of committing perjury and a fraud upon this Court and seeking dismissal of all Plaintiff's complaints with prejudice.

On next following date, January 16, 2019, Defendant attorney Mr. Ragan filed notice with court for supplemental disclosure (**D.E #39**) related to Plaintiff Motion to Compel (**D.E# 28**). On January 16, 2019, Defendant produce documents indicating that Navient fabricated forbearance forms on April 02, 2017 and falsely advised Plaintiff that he is not required to make any payments until September 11, 2017. A true and correct copy of the foregoing email and copies of from defendant supplemental disclosure is attached hereto as "**Exhibit 6**" and incorporated herein as if fully set forth.

II. ARGUMENT

Rule 11 of the Federal Rule Civil Procedure provides that:

Presenting to the court a pleadings, written motion, or other papers, whether by signing filing, submitting, or later advocating it, an attorney or unrepresented party certifies that to the best of the persons knowledge, information, and belief, formed after inquiry reasonable under the circumstances.

- 1). the claims, defenses, and other legal contentions are warranted by existing law, or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.
- 2). the factual connection have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.
- 3). the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonable based on belief or a lack of information.

4). is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigations.

Rule 11 provides that, upon presenting a signed pleading to the Court, author certifies that to the best of their personal knowledge and belief “formed after an inquiry reasonable under the circumstances” that factual contentions have evidentiary support, or if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation and discovery.

Plaintiff’s filing of complaints for breach of agreement and false misrepresentation does not violate Federal Rule of Civil Procedure 11 (b) because the complaints was presented for a proper purpose and was not filed to harass, cause unnecessary delay, or needlessly increase a cost of litigations..“(*See Sheets v. Yamaha Motors Corp .*, 891 F.2d. 533, 538 (5th Cir. 1990).”

Defendant Navient specific false allegations in its Motion for Sanction against Plaintiff has been identified in this response. The statement and documents in emails exchanges shows that Plaintiff did not commit a fraud. The “**Exhibits**” attached to this response support Plaintiff allegations against Defendant who was engage in false representation and fabricated forbearance forms.

III. CONCLUSION

A motion for sanctions is not something that should be filed lightly, such as Defendant has done in this case. There can be no other explanation for Defendant Motion other than that it was filed to harass and insult Plaintiff. Defendant Motion represents an abuse of the judicial process and a waste unnecessary legal expenses and this court time. Defendant should be

admonished for filing this clearly frivolous Motion, a Motion which contains highly defamatory statements against Plaintiff.

For these reasons, Plaintiff respectfully asks this Court to deny Defendant Navient Motion for Sanctions, and award Plaintiff with any and all additional relief which the Court may deem appropriate.

Respectfully submitted;

By: 

Izet Becirevic

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Plano TX 75074

Phone: 214-773-5029

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Plaintiff Pro se


VERIFICATION OF SERVICES

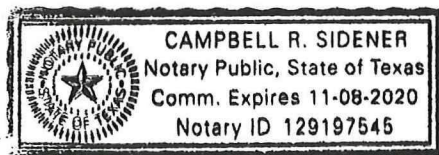
Before me, the undersigned notary, on this day personally appeared Izet Becirevic , the affiant, a person whose identity is known to me. After I administrated an oath to affiant, affiant testified:

My name is Izet Becirevic. I have read the copy of foregoing document. The facts stated in it are within my personal knowledge and are true and correct.


Izet Becirevic

SWORN TO and SUBSCRIBED before me by Izet Becirevic on this date 21 the day
of January 2019


Notary Public in and for
The State of Texas



CERTIFICATE OF SERVICE

I certify that true a copy of plaintiff's response to defendant motion for sanction was served on this date 21st, the day of January, 2019, by U.S. mail and by electronic e-mail, on the following attorney in charge for Defendant Navient

HUNTON, ANDREWS, KURTH LLP

1445 Ross Avenue, Suite 3700

Dallas, Texas, 75202

Phone: 214-979-3000

e-mail: aragan@huntonak.com

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Izet Becirevic